

Ramos, E.

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BERNARD PRIEVER, Individually and on
Behalf of all Others Similarly Situated,

Plaintiff,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., LISA P. MCALISTER, and
BRIAN S. BLOCK,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC# _____
DATE FILED: 11/20/14

Civil Action No.: 1:14-cv-08668-ER

STIPULATION AND [PROPOSED] ORDER

WHEREAS, on October 30, 2014, Plaintiff Bernard Priever (“Plaintiff”) filed a putative class-action complaint asserting claims pursuant to 15 U.S.C. §§ 78j(b) & 78t(a) of the Securities Exchange Act of 1934 (“Complaint”); and

WHEREAS, the claims asserted in the Complaint in this action are governed by the Private Securities Litigation Reform Act (the “PSLRA”), 15 U.S.C. § 78u-4, which provides a procedure for the appointment of lead plaintiff(s) and lead counsel to represent the putative class by the Court; and

WHEREAS, counsel for the parties believe that an answer or motion responding to the Complaint would be premature prior to the entry of an Order by the Court pursuant to the PSLRA appointing one or more lead plaintiffs and lead counsel.

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for Plaintiff and the attorneys for Defendant American Realty Capital Properties, Inc., (“ARCP”) as follows:

1. No Defendant shall be required to answer or otherwise respond to, and each hereby is expressly relieved from answering or otherwise responding to the Complaint.

2. Upon the entry of an Order appointing lead plaintiff(s) and lead counsel in the above-captioned action (or a consolidated action encompassing the above-captioned action) pursuant to the PSLRA, the lead plaintiff(s) shall have leave to file an amended complaint.

3. Upon filing of the amended complaint, the parties shall confer regarding a briefing schedule and page limits for any anticipated motion to dismiss, and will promptly submit a joint proposal or competing proposals for the Court's consideration.

4. There have been no requests for an extension of time previously made in this matter.

[Signature page follows]

Stipulated and agreed to by:

DATED: New York, New York
November 19, 2014

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*Attorneys for Defendant American Realty Capital
Properties, Inc.*

SO ORDERED

DATED: New York, New York
November 20, 2014


EDGARDO RAMOS
U. S. D. J.

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